



PATENT APPLICATION  
Docket No. 6071-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ron McCabe, et al. Conf. No. 8995  
Serial No.: 09/438,184 Group No.: 2153  
Filed: November 11, 1999 Examiner: Dinh, Dung  
For: FLEXIBLE REMOTE DATA MIRRORING

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JUL 14 2004  
OPIE/JCWS

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed January 7, 2004 finally rejecting claims 1-88, 101, 103, 104, 106, 108 and 109. The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☐ other than a small entity  
☒ small entity. Verified statement already filed on January 3, 2000.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

- ☒ small entity \$160.00  
☐ other than a small entity \$320.00

Notice of Appeal fee due

\$160.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of #1.136 for patent applications 37 CFR 1.191(d). But see 37 CFR 1.645 for extension of time

07/14/2004 WABRHH1 00000159 09438184

01 FC:2401

165.00 DP

07/14/2004 WABRHH1 00000159 09438184

45.00 DA

430.00 DP

1

BEST AVAILABLE COPY

07/14/2004 WABRHH1 00000159 09438184  
01 FC:2401  
165.00 DP  
45.00 DA  
430.00 DP

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.17 (a)-(d) for the total number of months checked below:

Extension Fee:

	<u>Months</u>	<u>Small Entity</u>	<u>Other Than Small Entity</u>
<input type="checkbox"/>	one month	\$ 55.00	\$ 110.00
<input type="checkbox"/>	two months	\$190.00	\$ 380.00
<input checked="" type="checkbox"/>	three months	\$435.00	\$ 870.00

If an additional extension of time is required, please consider this a petition therefor.

Extension fee due with this request \$ 435.00

4. **TOTAL FEE DUE**

The total fee due is :

Notice of Appeal fee \$ 160.00

Extension fee (if any) \$435.00

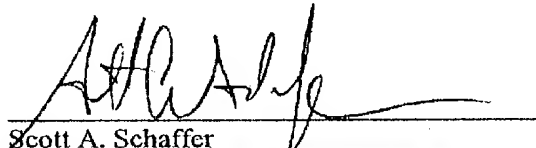
**TOTAL FEE DUE \$ 595.00**

5. **FEE PAYMENT**

- ☒ Attached is PTO-2038 authorizing credit card payment of the above fees.
- ☒ Any deficiency or overpayment for extensions of time or claims should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
\_\_\_\_\_  
Scott A. Schaffer  
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM  
1030 SW Morrison Street  
Portland, OR 97205  
(503) 222-3613

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 703-872-9306, on July 6, 2004.

  
\_\_\_\_\_  
Christina Lawton